



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



509082

REPLY TO THE ATTENTION OF:

MAY 13 1999

DT-8J

Frank J. Cozzi
Registered Agent for:
Cometco Corporation
2500 S. Paulina Street
Chicago, IL 60608-5307

Re: TSCA Subpoena and RCRA Information Request regarding Oil Separating Pond, and the Facility Located at 1509 West Cortland, Chicago

Dear Mr. Cozzi:

A combined Subpoena, issued under the Toxic Substances Control Act ("TSCA") Section 11(c), 15 U.S.C. § 2610 (c), and Information Request, issued pursuant to Section 3007 of the Resource Conservation and Recovery ("RCRA"), 42 U.S.C. § 6927, requiring your company to provide the listed documents and information is enclosed. The United States Environmental Protection Agency (U.S. EPA) is requiring this information in order to assist us to analyze issues pertaining to the "Oil Separating Pond" and your company's facility located at 1509 West Cortland in Chicago, Illinois.

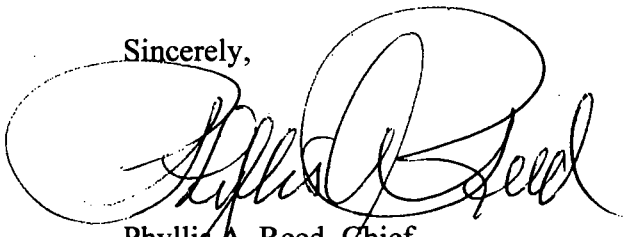
The Subpoena and Information Request require the information to be submitted to U.S. EPA within thirty days of their issuance. U.S. EPA expects that you will comply with this schedule. However, if it proves impossible for you to develop or submit any of the requested information within thirty days, please contact Sherry L. Estes, Assistant Regional Counsel, at (312) 886-7164, to request a written extension, specifying the reasons the requested information cannot be submitted in thirty days.

If U.S. EPA finds that an extension is justified for submission of some of the information requested, U.S. EPA will issue you written notice of the extension. You should, nevertheless, promptly submit all of the requested information which is available.

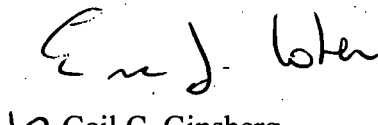
U.S. EPA has determined that this information request is not subject to the requirements of the Paperwork Reduction Act (PRA). The PRA applies only to identical "information collection requests" by Federal agencies to 10 or more persons, and this request is issued to a single company.

If you have any questions concerning the information requested in the Subpoena, please contact Kenneth Zolnierczyk, of my staff, at (312) 353-9687. Legal questions should be addressed to Sherry L. Estes.

Sincerely,



Phyllis A. Reed, Chief
Pesticides and Toxics Branch
Waste, Pesticides and Toxics Division



Gail C. Ginsberg
Regional Counsel
Region 5, U.S. EPA

Encl.

cc: Gino Bruni
Illinois Environmental Protection Agency

Debra Levin
Environmental Manager
Cozzi Iron & Metal

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Cometco Corporation
Chicago, Illinois

)
)
) SUBPOENA DUCES TECUM UNDER
) SECTION 11 (c) of TSCA and
) INFORMATION REQUEST ISSUED
) PURSUANT TO SECTION 3007 OF RCRA
)
)
)

TO: Cometco Corporation
1509 West Cortland
Chicago, IL 60622

COMETCO CORPORATION IS HEREBY COMMANDED, pursuant to the provisions contained in the Toxic Substances Control Act ("TSCA") Section 11(c), 15 U.S.C. § 2610(c), and pursuant to the provisions contained in Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §3007, TO PRODUCE for inspection and/or copying on behalf of the United States Environmental Protection Agency ("U.S. EPA"), those items identified and described on the attached pages.

YOU ARE COMMANDED FURTHER, to make truthful response to all lawful inquiries and questions herein put to you; and TO PROVIDE to U.S. EPA information:

(1) As to each category of inquiry specified in the attachment to this combined Subpoena and Information Request, certification of the submitted information by an individual spokesperson who:

(a) has knowledge of the facts and events for which the inquiry is sought;

(b) has knowledge of the existence and/or non-existence of such category of records that pertain to the inquiry specified in the combined subpoena and information request;

(c) can provide responsive and relevant information (to the full extent of the Corporation's and the individual's information, or belief, or knowledge concerning such facts, events and records) which testimony the Corporation ADOPTS IN ADVANCE as its own utterances made under the Federal penalties for perjury and false statements;

(d) who is expressly authorized by the Company to provide all such testimony;

(e) who in fact complies with all of the foregoing.

The issuance of this request pursuant to Section 3007 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6927 serves to require Cozzi Iron & Metal, Inc. to submit information relating to its treatment, storage, and disposal of hazardous wastes.

On January 31, 1986 the State of Illinois was granted Final Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), to administer a hazardous waste program in lieu of the Federal program. See 51 Federal Register 3778 . As a result, facilities in Illinois qualifying for interim status under Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), are regulated under the Illinois provisions found at Illinois Administrative Code (Ill. Adm. Code), Title 35, Part 702 et seq., rather than the Federal regulations set forth at 40 CFR Parts 265 and 270. Section 3008(a) of RCRA, 42 U.S.C. §6928(a), provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. The State of Illinois became authorized for the used oil regulations set forth at 40 CFR Part 279 on August 5, 1996, 61 Fed. Reg. 40520. Used oil, therefore, is regulated in Illinois under the Illinois provisions set forth at 35 Ill Adm. Code Part 739, rather than the corresponding Federal used oil regulations.

You are hereby advised that the Agency is authorized to seek both civil penalties and criminal sanctions (for knowing and willful violations) of TSCA, pursuant to 15 U.S.C. § 2615. Civil penalties and criminal violations (for knowing omissions or false material statements) are also available to the Agency pursuant to Section 3008 of RCRA, 42 U.S.C. §6928. All information disclosed pursuant to this combined Subpoena and Information Request shall be evaluated in accordance with the above-referenced authorities.

These documents and information are due in 30 days, unless an extension is agreed to in writing between you and Sherry L. Estes of my staff.

Subpoena/Information Request issued to Cometco Corporation

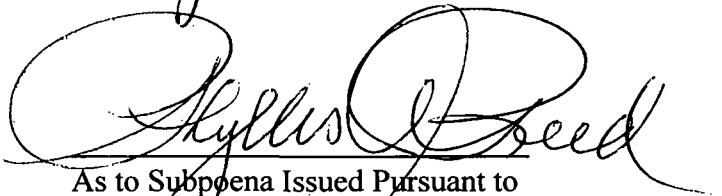
FAILURE TO COMPLY WITH THIS SUBPOENA AND REQUEST FOR INFORMATION
MAY RESULT IN COURT PROCEEDINGS AGAINST YOU IN A UNITED STATES
DISTRICT COURT.

Issued at Chicago, Illinois, this 10th day of May, 1999.



As to Information Request Issued
Pursuant to Section 3007 of RCRA

157 Gail C. Ginsberg
Regional Counsel
U.S. Environmental Protection Agency
Region 5, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604



As to Subpoena Issued Pursuant to
Section 11(c) of TSCA

Phyllis A. Reed, Chief
Pesticide and Toxics Branch
Waste, Pesticide and Toxics Division
Region 5, DT-8J
77 West Jackson Boulevard
Chicago, Illinois 60604

Attorney contact:

Sherry L. Estes
Assistant Regional Counsel
U.S. EPA, Region 5
Chicago, Illinois
(312) 886-7164

**ATTACHMENT TO SUBPOENA AND
INFORMATION REQUEST-COMETCO**

I. INSTRUCTIONS

1. Each document submitted shall be clearly and precisely identified by its title, author, date of preparation, subject matter, and the numbered paragraph to which it responds.
2. Upon receipt of this combined Subpoena and Information Request, all records relating in any manner to any aspect of management, regulation, investigation, or any other environmentally related issue or state of affairs, at Cometco Corporation ("Cometco"), or its affiliates or agents, in relation to the general subjects of inquiry in this Subpoena and Information Request are to be retained until further notice is received from U.S. EPA. Destruction of any records containing any information about, or references to, any such matter constitute a failure to comply with this Subpoena and Information Request and may result in a court action against you.
3. For each response to this Subpoena and Information Request which includes documents, compile an index of the documents produced. The index should state the paragraph number of the information and document request and list all documents submitted in response to that paragraph.
4. If the information sought by this Subpoena and Information Request is not contained in a document, separately identify the person(s) who provided the information in your response, the basis for each person's knowledge, the position occupied by the person providing the response, and that person's business address and supervisor.
5. If any document was, but is no longer, in the possession, custody, or control of Cometco, provide the following information:
 - (a) state the disposition of the document;
 - (b) state the date such disposition was made;
 - (c) identify the present custodian of the document and state his address or, if the document no longer exists, so state;
 - (d) identify the person who made the decision regarding the disposition of the document;
 - (e) state the reason for the disposition;
 - (f) describe the document and the contents of the document, including the title, date, author, addresses, locations and number of copies made and the location of the copies.

II. DEFINITIONS

1. "Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in 35 Ill. Adm. Code 280.12 [BOARD NOTE excluded] (35 Ill. Adm. Code 739.100).

2. "Cometco Corporation" or "Cometco" includes officers, directors, agents or employees of Cometco Corporation, including contractors, consultants, employees or any such person, and any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof and its corporate offices, field offices and any other place utilized for the purpose of operating and maintaining its business.

3. "Cometco facility" means the property located at 1509 Cortland in Chicago, Illinois, including the "Oil Separating Pond," which is operated by the Cometco Corporation.

4. "Cozzi facilities," or "any other Cozzi facilities," with respect to Cozzi Iron & Metal, Inc., includes the facilities of any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof and its corporate offices, field offices, and any other place utilized for the purpose of operating and maintaining its business, including, but not limited to, the facilities located at the following addresses:

Cozzi Iron & Metal, Inc.
2232 South Blue Island Avenue
Chicago, IL 60608

Cozzi Iron & Metal, Inc.
2500 South Paulina
Chicago, IL 60608

City Centre
350 North Artesian
Chicago, IL 60622

C Shredding
3151 South California
Chicago, IL 60608

Scrap Processing Inc.
3200 East 96th Street
Chicago, IL 60617

Scrap Processing Inc.
9331 South Ewing
Chicago, IL 60617

5. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled (35 Ill. Adm. Code 739.100).

6. "Dispose" or "disposal" means any discharge, release, or placement of a substance or substances into or on any area of land or water, or other action to contain, transport, or destroy a substance or substances, including those actions described in 42 U.S.C. § 6903(3) and as the term is defined in 40 CFR § 761.3.

7. "District" refers to the Metropolitan Water Reclamation District of Greater Chicago.

8. "Document" or "record" means the original or true copy, or substantial copy of all written, typewritten, handwritten, printed, or graphic matter of any kind or nature, however produced or reproduced (including any copies containing additional matter), any form of collected data for use with electronic data processing equipment, and any mechanical or electronic visual or sound recordings including, without limitation, all tapes and discs, now or formerly in your possession, custody, or control. It includes, but is not limited to, any logs of materials or containers shipped or received, other logs, invoices, purchase orders, checks, receipts, bills of lading, weight receipts, toll receipts, loading tickets, receiving tickets, shipping orders, manifests, inventories, licenses, permits, reports to the government agencies, ledgers, accounts receivable, accounts payable, account statements, financial statements, monthly reports, other reports, minutes of meetings, sales estimates, sales reports, source and use analyses, memoranda, handwritten or other notes, calendar or diary of entries, agendas, bulletins, graphs, charts, maps, photographs, films, drawings, surveys, data, sampling results, analytical results, description of materials, load schedules, price lists, summaries, telegrams, teletypes, computer printouts, magnetic tapes, discs, microfilm, and microfiche.

9. "Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to August 5, 1996. Installation will be considered to have commenced if the owner or operator has obtained all Federal, State, and local approvals or permits necessary to begin installation of the tank and if either:

A continuous on-site installation program has begun, or the owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time (35 Ill. Adm. Code 739.100).

10. "Hazardous waste" means hazardous waste as defined in 40 CFR §261.3 and Title 35 Ill. Ad. Code 721.103.

11. "Manifest" means the shipping document U.S. EPA form 8700-22 and, if necessary, U.S. EPA form 8700-22A, originated and signed by the generator in accordance (40 CFR 260.10 and 35 Ill. Ad. Code 720.110) or the Illinois administrative rules for special waste or used oil.

12. "Market/Marketers" (40 CFR 761.3), means the processing or distributing in commerce, or the person who processes or distributes in commerce, used oil fuels to burners or other marketers, and may include the generator of the fuel if it markets the fuel directly to the burner.

13. "Oil separating pond" refers to the surface impoundment located on or near the Cometco Corporation facility at 1509 West Cortland in Chicago, Illinois.

14. "Or" shall be construed either conjunctively or disjunctively to bring within the scope of the of this Subpoena and Information Requests, any information which might otherwise be construed to be outside the scope of these requests.

15. "Polychlorinated biphenyls" or "PCB" or "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain such substances as defined in 40 CFR § 761.3. These terms also include, but are not limited to, substances sold, marketed, distributed, processed, manufactured, used, etc., under the following trade or product names: Hyvol, Chlorextol, Asbestol, Clophen, Dk, Fenclor, Inclor, Dykanol, Eucarel, Pyranol, Askarel, Non-Flammable Liquid, Clorphen, Kennechlor, Saf-T-Kuhl, Elamex, Aroclor, Santotherm FR, Pyroclor, Therminol, Pydraul, Santovac 1 and 2, Askarel EEC-18, Aroclor 8, EEC-18, Phenoclor, Phyrallene, Diaclor, Chlorinol, No-Flamel, Inarteen, Nepolin, Apirolo, Kanaclor.

16. "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amendable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining (35 Ill. Adm. Code 739.100).

17. "Release" or "releases" means any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

18. "Storage" or "store" means the containment of waste or chemical substances, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

19. "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding storage, settling and aeration pits, ponds, and lagoons. (40 CFR § 260.10 and 35 Ill. Adm. Code 720.110).

20. "Tank" means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provides structural support (35 Ill. Adm. Code 739.110).

21. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, amenable for storage, or reduced in volume.

22. "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of such use, is contaminated by physical or chemical impurities (35 Ill. Adm. Code 739.100).

23. "Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers (35 Ill. Adm. Code 739.100).

24. "Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a) (35 Ill. Adm. Code 739.100).

25. "Used oil fuel marketer" means any person that conducts either of the following activities:

(A) Directs a shipment of off-specification used oil fuel from their facility to a used oil burner;

(B) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 (35 Ill. Adm. Code 739.100).

26. "Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

27. "Used oil processor" means a facility that processes used oil (35 Ill. Adm. Code 739.100).

28. "Used oil transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to Section 739.120(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F of this Part (35 Ill. Adm. Code 739.100).

29. "Used oil transporter" means any person that transports used oil, any person that collects used oil from more than one generator and that transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel (35 Ill. Adm. Code 739.100).

30. "Waste determination" means performing all applicable procedures in accordance with: the requirements of 40 CFR §265.1084 of Subpart CC to determine whether used oil or a hazardous waste meets (A) the standards specified in Subpart CC; (B) the presumption for used oil at 35 Ill. Adm. Code 739.110(b)(1)(B); (C) the standards for used oil set forth at 40 CFR 761.20(e)(2)(i), or (D) the used oil fuel specifications set forth at 35 Ill. Adm. Code 739.111.

31. "Waste Oil" means used products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids (40 CFR 761.3, 1996).

III. INFORMATION AND DOCUMENTS REQUESTED

You are hereby requested to supply information and documents as indicated below:

1. Identify how used oil is managed at the Cometco facility, specifically identifying the type of and location of tanks or containers used. Provide a facility plan sheet or map which specifies the location of any tanks or containers.

2. Is the "Oil Separating Pond" subject to regulation under 40 CFR Parts 264 or 265? If the answer to this question, is "yes," please provide a copy of any documents evidencing such regulation.

3. Provide any available documents or records related to the construction of the "Oil Separating Pond." Include information on the type of liner used and the dates of construction, including a response to the following questions:

(a) Is there a clay or synthetic liner underneath the material in the oil separating pond?

(b) What is the thickness and hydraulic conductivity of such liner(s)?

4. Provide all documents that record, discuss, refer or relate to:

(a) the design or construction of the "Oil Separating Pond", including but not limited to design specification/criteria, improvement, alteration, construction and/or remodeling documents,

(b) engineering studies, experiments and/or evaluations;

(c) bid specifications and bid submittals related to the construction, maintenance, inspection, repair, improvements and/or changes to the "Oil Separating Pond",

(d) the "Oil Separating Pond" capacity,

(e) cost estimation and budgeting relating to the "Oil Separating Pond".

5. Is there a leachate collection system for the "Oil Separating Pond"? If so, how much leachate has been generated and how often is the leachate disposed of? Where is the leachate disposed of and what treatment techniques, if any, are used before disposal?

6. Are there any diversion structures, perimeter drainage ways, containment dikes or stormwater collection basins or berms at the Cometco facility generally or in the vicinity of the "Oil Separating Pond," particularly which would prevent the discharge of surface water from the facility into the Chicago River? If so, where are they located? Include diagrams.
7. If the answer to Number 6, above, is "yes," when were these diversion structures, perimeter drainage ways, containment dikes or berms at the "Oil Separating Pond" constructed? What are their dimensions and construction material? Provide the construction specifications and copies of the engineering plan sheets for the surface impoundment or any stormwater collection system identified in response to Number 5, above.
8. After a period of heavy rainfall, U.S. EPA inspectors observed water draining into the oil separating pond but not exiting the pond via the discharge pipe. Provide an explanation for the unaccounted water loss of the pond.
9. Provide all documents that discuss, refer or relate to whether the "Oil Separating Pond" and any stormwater collection system meets, should meet, or is required to meet, the minimum technology requirements of RCRA (i.e., 40 CFR §§ 264.221 and 265.221).
10. Over the last three year period, what was the average length of time between off-site shipments of used oil to a used oil recycler (including transporters, transfer facilities, marketers, processors, and burners)? Provide copies of all documents, during the last three-year period, which discuss, refer, or relate to the removal and/or quantities of used oil removed from the "Oil Separating Pond".
11. Over the last three year period, what was the longest period of time between off-site shipments of used oil?
12. Over the last three year period, identify (by specifying facility name and address, and stating the name and telephone number of the facility contact) each person who received used oil from the Cometco facility.
13. For each recipient of used oil from this facility identified in your response to Number 12, above, identify how the used oil was managed (e.g., transported to another used oil handler, processed as a fuel, burned for energy recovery, processed into a non-fuel product) by the used oil handler to the extent that it is known.
14. Provide copies of all documents which discuss, refer or relate to all materials (including but not limited to used oil or waste oil) suspected to be contaminated with or by PCBs which were removed from the "Oil Separating Pond" by Beaver Oil, Duke's Oil Service, or any other used oil or waste oil processor or transporter.

15. With reference to the definitions set forth in this Subpoena and Information Request, describe the schedule for the removal of any materials, other than used oil, from the "Oil Separating Pond," the types of materials removed, the quantities of materials removed, and their ultimate destination. Provide copies of all documents which discuss, refer, or relate to the removal and or quantities of these materials removed from the "Oil Separating Pond" within the last three years.

16. For the last three years, provide copies of all documents which discuss, refer or relate to the types and quantities of used oil or waste oil generated or otherwise managed at the Cometco facility which is processed or transported by a processor or transporter, and shipped by that party or any other party to any other Cozzi facility. Describe the ways in which this oil is used, as a fuel or otherwise, at these facilities.

17. Provide copies of all waste determinations conducted by Cometco, Duke's Oil Service or any other party with regard to used oil, waste oil, or other material removed from the "Oil Separating Pond".

18. For the last three years, provide copies of all analytical reports for samples of used oil (handled by your facility) analyzed for total halogens, organic halogens, inorganic halogens, or total chlorine. Please identify the sample preparation method and analytical method.

19. For each of the used oil samples provided in response to Number 18, above, with total halogens reported to be greater than 1,000 ppm, explain in detail whether it is appropriate to presume that the used oil has been mixed with a halogenated hazardous waste listed in Subpart D of 40 CFR Part 261.3(v) and 35 Ill. Ad. Code 721.103. Provide all analytical results which rebut the legal presumption set forth in 35 Ill. Admin. Code 739.110(6)(1)(b).

20. To the extent that materials removed from the "Oil Separating Pond" are treated, processed, or disposed of, please:

(a) Describe the treatment or processing method(s) utilized, and provide copies of all analytical results for the treated or processed material, as well as for any treatment residuals.

(b) Provide copies of all documents, including manifests, which discuss, refer or relate to the treatment, processing and/or disposal of materials from the "Oil Separating Pond" for the last 5 years. The documents provided should evidence the ultimate disposal location of any materials disposed of after they are removed from the "Oil Separating Pond".

21. Provide all documents that discuss, refer or relate to whether any wastewaters or other substances or other contents of the "Oil Separating Pond" have spilled, leaked or otherwise

gotten onto or into any area outside of or beneath the "Oil Separating Pond", including into any surface or groundwater.

22. Provide all documents that discuss, refer or relate to whether Cometco was required to, or should obtain, any permit or other regulatory review or approval regarding the management, treatment or storage of hazardous wastes, PCBs or used oil in the "Oil Separating Pond".

23. Provide all documents that discuss, refer or relate to whether the "Oil Separating Pond" were subject, or potentially subject, to any requirement of any local ordinance, or State or Federal environmental law, code, regulation or requirement.

24. Provide all documents that record, discuss, refer or relate to the evaluation or analysis of any waste streams, including all solid wastes and used oils entering or conveyed to, either directly or indirectly, the "Oil Separating Pond", including but not limited to, all studies, evaluations, assessments, inspections of any such waste streams, used oils, and solid waste.

25. State whether any hazardous waste or hazardous constituent(s), or used oil, as defined by federal or state RCRA regulations, was or may have been discharged into the "Oil Separating Pond" at any time, and if the answer is in the affirmative, for each such instance, describe in detail the discharge(s), including the source, identity and amounts of the waste, and the time period of the discharge(s).

26. Has the Cometco site been used for the storage or accumulation of shredded metal materials, fluff or shredder residue? If so, provide the dates when any such material was stored or accumulated, and the quantities of material stored. In addition, provide any sampling results of the stored or accumulated material.

27. Describe the types of cutting oil, or other petroleum or oil products found on the machine turnings, and other shredded metal materials typically found at the facility. Give specific brand names or trade names for the cutting oil, if possible. Provide any documents, whether product information from the product vendor (including Material Safety Data Sheets [MSDS]) or chemical sampling results, that evidences the chemical composition of these cutting oils or other petroleum or oil products.

28. For 1997 through the present, provide the names of the machine shops or manufacturers, that provided the machine turnings, or any other small metal objects shipped directly to the Cometco facility or shipped to another Cozzi facility prior to arriving at the Cometco facility. In addition, provide copies of all invoices, shipping, or other documents that evidence the quantity and type of materials shipped directly to Cometco or shipped to another Cozzi facility prior to arriving at the Cometco facility.

29. Provide the latest NPDES and District permit and the permit applications for the facility submitted in accordance with the Clean Water Act to the Illinois Environmental Protection Agency ("Illinois EPA") and the Water Reclamation District of Greater Chicago ("District").
30. Provide information concerning storm water flow at the facility, including providing any and all documents and diagrams containing information regarding the following:
 - (a) Describe or locate the storm water and sanitary sewers and catch basins at the facility.
 - (b) Provide a list of all sources of discharge to storm water and sanitary sewers.
 - (c) Describe the sources of discharge to the storm water and sanitary sewers and catch basins.
 - (d) Show where and how the information requested in subparagraphs a-c, above, was disclosed to the District or Illinois EPA. Provide copies of all correspondence directed to or from the District or Illinois EPA which refers to or relates to any of the above information.
31. Describe the surface water flow at the facility during rainfall events, including any discharge to the Chicago River and the storm water sewers.
32. Where did runoff from any unprocessed and product piles, and machine turning and other shredded metal material pile(s) drain, and how was it handled, before construction of any containment dikes and perimeter drainage ways at the Cometco facility?
33. Where does runoff from any unprocessed and product piles, and machine turning and other shredded metal materials pile(s) drain, and where are the discharge points for any existing perimeter drainage ways at the facility? Provide any diagrams or other documents demonstrating this information.
34. Is runoff from any of the unprocessed and product piles and machine turning and other shredded metal materials pile(s) collected or treated before discharge to the storm and sanitary sewers and/or Chicago River? Provide all documents which discuss, relate or refer to any treatment process, and any analytical results of any treatment residuals.
35. Provide copies of all communications, including but not limited to correspondence, meeting notes, records, notices of violation, administrative and/or judicial complaints, and any other enforcement documents between Cometco and the Illinois EPA or the District related to compliance with the Clean Water Act from May 1, 1994 to the present.
36. Does groundwater at the facility flow into or toward the Chicago River?

37. Has any groundwater, leachate and/or contaminant pathway modeling or analysis been done for the facility, particularly for any cutting oils or other used or waste oil(s) What is the result of this modeling or analysis? Provide any reports of such modeling or analysis.
38. Does leachate from the "Oil Separating Pond" ever reach the Chicago River? How does Cometco prevent leachate from reaching the Chicago River?
39. Describe any discharge(s) from the "Oil Separating Pond" to the Chicago River and submit any sampling results from such a discharge from May 1, 1994 to the present. For each discharge, identify the quantity of wastewater and where the wastewater overflowed.
40. For the period of May 1, 1994 to the present, describe the amount of wastes both liquid and solid in volume or mass measurements that enter the "Oil Separating Pond". Provide copies of any and all documents evidencing this information.
41. Describe Cometco's policy and procedures for disposing of PCBs or materials suspected to be contaminated with or by PCBs. Provide all documents evidencing the treatment or disposal of PCBs or materials suspected to be contaminated with or by PCBs.

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
U.S. EPA REGION 5

AFFIDAVIT CONCERNING DOCUMENTS SUBMITTED TO U.S. EPA
PURSUANT TO SUBPOENA AND INFORMATION REQUEST

NUMBER: _____

STATE: _____ ss.

COUNTY OF _____

I, the undersigned affiant, first being duly sworn, upon oath, depose and say:

1. Attached hereto is an index of documents submitted to U.S. EPA. Documents listed on the attached index are hereby incorporated by reference into the response to this Subpoena and Information Request.
2. I am a custodian of the records submitted to U.S. EPA and listed on the Index attached hereto and attest to the fact that true and correct copies of the documents listed in the Index were supplied to U.S. EPA to the persons listed in the Index.
3. I have made a diligent search and inquiry for all records which are reasonably described in the Subpoena and Information Request to which this affidavit responds. I have not found or located, and I have not been told about, and I have no knowledge of, any records coming within the descriptions set forth in the said Subpoena and Information Request which have not been copied and submitted along with the Affidavit Responding by Mail to Subpoena Duces Tecum and Information Request, or listed in the attached index of documents previously submitted to U.S. EPA.

4. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of U.S. EPA and that any material false statement of fact herein may be a crime under 18 U.S.C. § 1001, or 42 U.S.C. § 6928.

DATED: _____ SIGNED: _____

TYPED NAME: _____

OFFICE OR TITLE: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this _____
day of _____, 1999.

(SEAL) _____
NOTARY PUBLIC

in and for the State of Illinois residing at _____

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct original of the foregoing Subpoena Duces Tecum
and Information Request was placed in the United States Mail, certified mail, return receipt
requested, No. _____ on this ____ day of _____, 1999. addressed to:

Frank J. Cozzi
Registered Agent
Cometco Corporation
2500 S. Paulina Street
Chicago, IL 60608-5307

{NAME}